

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16487 of the Planned Parenthood Federation of America, Inc. pursuant to 11 DCMR § 3108.1 (**new 3104.1**), for a special exception under Section 508 for administrative offices in an SP-2 District at premises 1780 Massachusetts Avenue, N.W. (Square 158, Lot 77)

HEARING DATE: September 15, 1999

DECISION DATE: October 6, 1999

ORDER

PRELIMINARY MATTERS:

1. The subject application was filed on June 1, 1999 and a public hearing on the application was scheduled for September 8, 1999.
2. On September 8, 1999, prior to the commencement of the hearing on the application, several residents in the area requested a postponement of the hearing contending that adequate notice of the hearing had not been provided. Two persons stated that although they were on the list of persons to whom written notice was mailed by the Board of Zoning Adjustment (BZA) staff, they did not receive such notice. Others asserted that the posted notice to be provided by the applicant on the subject property did not go up until one week prior to the public hearing instead of 15 days prior as required by § 3317.4 (**new 3113.14**) of the BZA Supplemental Rules of Practice and Procedure. The applicant presented an affidavit and the testimony of an eye-witness to the posting substantiating that the posting was timely. The Board granted a one week postponement of the hearing to compensate for the one week delay which the neighbors asserted took place in the actual notice which they received.
3. The public hearing then took place on September 15, 1999. Advisory Neighborhood Commission (ANC) 2B submitted a report dated August 13, 1999 indicating that it had no objection to the granting of the special exception based on the understanding that the use will be for office only and that the front driveway will not be used for parking.
4. One witness testified in support of the application. Six persons presented testimony in opposition to the application, citing the potential that the proposed use could be a target for

picketing and violent demonstrations, and expressing the desire that the prior medical clinic use be reinstated. The Board refused to hear testimony that focused on the mission or philosophy of Planned Parenthood because it was not relevant to the standard for granting a Special Exception.

FINDINGS OF FACT:

1. The property which is the subject of this application is known as premises 1780 Massachusetts Avenue, N.W. and consists of Lot 77 in Square 158. It is located on the south side of Massachusetts Avenue, N.W. at the corner of Massachusetts Avenue, N.W. and 18th Street, N.W. - one block to the east of Dupont Circle.
2. 1780 Massachusetts Avenue, N.W. is improved with a four-story structure. It is a turn-of-the-century building with a newer, two-story rear addition. The building contains approximately 22,000 square feet.
3. The subject building has been identified as a contributing historic structure in the Massachusetts Avenue Historic District by the Historic Preservation Review Board of the city's Department of Consumer & Regulatory Affairs (DCRA).
4. The land uses in the vicinity of the subject property include a mix of residential, institutional and office uses with office and institutional uses as the predominant uses especially on the south side of Massachusetts Avenue. Immediately adjacent to the subject property to the east is an office building. To the rear of the subject property is the Palladium Condominiums which is a ten-story, residential building containing two lower levels of commercial space. Directly across Massachusetts Avenue from the subject property are the offices of the National Trust for Historic Preservation, the Carnegie Institute and the Brookings Institution.
5. The subject property is zoned SP-2. The SP-2 District is designed to stabilize the areas adjacent to the C-4 District and to act as a buffer between adjoining commercial and residential areas. SP zoning is designed to preserve and protect areas adjacent to commercial districts which contain a mix of medium- to high density row houses, apartments, offices and institutions. Offices are permitted with BZA approval.
6. The property is currently vacant. The previous use was for a medical clinic occupied by the Yater Clinic. It contained several medical specialty clinics and a small laboratory.
7. Since the close of the Yater Clinic, the building has not been adequately maintained and its outside appearance has declined.
8. Prior to occupying the subject building, the applicant plans to substantially renovate the interior and improve its exterior appearance. Outside renovations will primarily consist of cleaning and repairing the façade, re-landscaping the street frontages and installing a new decorative wrought iron gate. The inside of the building will also be substantially gutted and rebuilt.

9. The applicant, Planned Parenthood Federation of America, Inc. (Planned Parenthood) is a not-for-profit voluntary reproductive health care organization. The Public Policy Division of Planned Parenthood currently occupies leased space at 1120 Connecticut Avenue, N.W. which is located only a few blocks away from the subject property. Planned Parenthood is also affiliated with the Alan Guttmacher Institute which is an independent, nonprofit corporation for reproductive health research, policy analysis and public education. The Alan Guttmacher Institute will relocate with the Public Policy Division to the subject property.

10. The Public Policy Division engages exclusively in administrative functions. The focus of the Public Policy Division is outreach and lobbying, entailing visits by the Planned Parenthood staff with others offsite. The building will be occupied by approximately 50 employees.

11. The applicant testified that the proposed use is compatible with neighboring properties which contain predominately office and institutional uses.

12. The establishment of the proposed use at the subject property will enhance neighboring properties by improving the appearance of the subject property and removing an eyesore from the block.

13. The proposed use will attract fewer visitors to the site than the previous clinic use. The proposed use therefore represents a de-intensification of the previous clinic use of the site.

14. The subject property is well served. The subject property has no onsite parking and none is required for the proposed use in accordance with Section 2100.5 which provides that no additional parking spaces are required for historic structures. At present, Planned Parenthood has no designated parking at its 1120 Connecticut Avenue location. The majority of its employees use public transportation to get to work and their current commuting patterns are not expected to change with the proposed move - only a few blocks away. The subject property is adequately served by mass transit. The Dupont Circle and Farragut North Metro Stations are easily accessed from the site and the applicant expects that its employees will be able to use mass transit or park in one of the commercial lots located in close vicinity to the site.

15. Planned Parenthood has not experienced significant security problems with respect to its administrative operations.

CONCLUSIONS OF LAW AND OPINION:

The applicant is seeking a special exception under Section 508 to permit office use of the subject property by Planned Parenthood. The Board is authorized to grant a special exception where, in the judgment of the Board based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the

Zoning Regulations and Zoning Maps, subject to the conditions specified in Section 508 DCMR § 3108.1(new **3104.1**). Section 508 states that the Board may approve an office use in the SP-2 District if:

- (a) The use, height, bulk and design are in harmony with existing uses and structures on neighboring property (Section 508.3); and
- (b) the use will not create dangerous or other objectionable traffic conditions (Section 508.4).

The Board concludes that the applicant has met the tests for the granting of a special exception because the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

With respect to whether the use, height, bulk and design are in harmony with existing uses and structures on neighboring properties, the Board notes that the subject building is an improved property. The building is a contributing historic structure, the design, height and bulk of which is clearly compatible with neighboring properties. The proposed use is also in harmony with neighboring properties which are primarily devoted to offices uses (Finding of Fact 11).

With respect to objectionable traffic conditions, the Board concludes that the applicant's use of the subject property will not significantly change or increase traffic in the vicinity. The majority of the building's occupants will take public transportation to and from the site (Finding of Fact 14), and the proposed use will attract fewer visitors than the previous use (Finding of Fact 13). As a result, the proposed use is not likely to create any objectionable traffic conditions. Rather than adversely affecting the use of neighboring property, the subject property is likely to improve property values and will enhance the appearance of the area.

As for the security concerns expressed by some opposition witnesses, the Board concludes that the applicant's past experience with its administrative office (Finding of Fact 15) does not indicate a likelihood that the proposed use will pose a security threat to the neighborhood. Further, in the high-density, high-intensity, diverse office area at issue, which contains numerous political think-tank and chancery uses, the Board concludes that the security issues associated with the proposed use are no greater than those associated with existing uses.


In the light of the foregoing, the Board hereby **ORDERS** that the application be **GRANTED**.

VOTE: 4-0-1 (Betty King, Sheila Cross Reid, Robert Sockwell, and Jerry H. Gilreath to grant; Anthony Hood not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order and authorized the undersigned to execute the Decision and Order on his or her behalf.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: OCT 29 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE I, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCTION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS (10) AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16487

As Director of the Office of Zoning, I certify and attest that on
OCT 29 1999 a copy of the decision entered on that date in this matter
was mailed first class, postage prepaid to each party in this case, and who is listed below:

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Attested By:


JERRILY R. KRESS, FAIA
Director

Attest/JKN